

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

In re: BAIR HUGGER FORCED AIR
WARMING DEVICES PRODUCTS
LIABILITY LITIGATION

MDL No. 15-2666 (JNE/DTS)

This Document Relates to:

Case Nos.:

17-cv-02925 (*Zimmerman v. 3M Co., et al.*)
17-cv-03252 (*Gorbett v. 3M Co., et al.*)
17-cv-03501 (*Smith v. 3M Co., et al.*)
17-cv-03554 (*Cyr v. 3M Co., et al.*)
17-cv-03563 (*Opperman v. 3M Co., et al.*)
17-cv-03573 (*Parker v. 3M Co., et al.*)
17-cv-03696 (*Hickman v. 3M Co., et al.*)
17-cv-03718 (*Seymore v. 3M Co., et al.*)
17-cv-03952 (*Pratt v. 3M Co., et al.*)
17-cv-04009 (*Rude v. 3M Co., et al.*)
17-cv-04257 (*Coggins v. 3M Co., et al.*)
17-cv-04327 (*Robertson v. 3M Co., et al.*)
17-cv-04328 (*Robertson v. 3M Co., et al.*)
17-cv-04385 (*Erdman v. 3M Co., et al.*)
17-cv-04433 (*Greene v. 3M Company*)
17-cv-04470 (*Ingram v. 3M Co., et al.*)
17-cv-04517 (*Henderson v. 3M Co., et al.*)
17-cv-04654 (*Keith v. 3M Co., et al.*)
17-cv-04677 (*Resendez v. 3M Co., et al.*)
17-cv-04752 (*Hyer v. 3M Co., et al.*)
17-cv-04777 (*Pine v. 3M Co., et al.*)
17-cv-04778 (*Brown v. 3M Co., et al.*)
17-cv-04779 (*Key v. 3M Co., et al.*)
17-cv-04845 (*Murray v. 3M Co., et al.*)
17-cv-04881 (*Potter v. 3M Co., et al.*)
17-cv-04885 (*McEvoy v. 3M Co., et al.*)
17-cv-04889 (*Thornton v. 3M Co., et al.*)
17-cv-04891 (*Edwards v. 3M Co., et al.*)
17-cv-05123 (*Robinson-Bessicks v. 3M Co., et al.*)
17-cv-05261 (*Hardy v. 3M Co., et al.*)
17-cv-05270 (*Johnston v. 3M Co., et al.*)
17-cv-05277 (*Billings v. 3M Co., et al.*)

17-cv-05323 (*Richey v. 3M Co., et al.*)
 \17-cv-05370 (*Taplin v. 3M Co., et al.*)
 17-cv-05371 (*Bresnock v. 3M Co., et al.*)
 17-cv-05472 (*Jones v. 3M Co., et al.*)
 18-cv-00045 (*Swales v. 3M Co., et al.*)
 18-cv-00437 (*McCullough v. 3M Co., et al.*)
 18-cv-00444 (*Garrison v. 3M Co., et al.*)
 18-cv-00527 (*Morgan v. 3M Co., et al.*)
 18-cv-00609 (*Larrison v. 3M Co., et al.*)
 18-cv-00617 (*Hayes v. 3M Co., et al.*)
 18-cv-00641 (*Rhew v. 3M Co., et al.*)

**DEFENDANTS' THIRTEENTH MOTION TO DISMISS FOR FAILURE TO
COMPLY WITH PRETRIAL ORDER NO. 14**

Pursuant to the Court's Pretrial Order No. 14 ("PTO 14"), entered September 27, 2016, Defendants 3M Company and Arizant Healthcare Inc. (collectively, "Defendants") respectfully move the Court to dismiss the following plaintiffs' cases for failure to comply with PTO 14:

Case Number	Plaintiff	Firm Name
0:17-cv-02925-JNE-FLN	Zimmerman	The Olinde Firm, LLC
0:17-cv-03252-JNE-FLN	Gorbett	Bernstein Liebhard LLP
0:17-cv-03501-JNE-FLN	Smith	Kennedy Hodges, L.L.P.
0:17-cv-03554-JNE-FLN	Cyr	DeGaris & Rogers, LLC
0:17-cv-03563-JNE-FLN	Opperman	Kennedy Hodges, L.L.P.
0:17-cv-03573-JNE-FLN	Parker	Bernstein Liebhard LLP
0:17-cv-03696-JNE-FLN	Hickman	Kennedy Hodges, L.L.P.
0:17-cv-03718-JNE-FLN	Seymore	Kennedy Hodges, L.L.P.
0:17-cv-03952-JNE-FLN	Pratt	Brent Coon & Associates
0:17-cv-04009-JNE-FLN	Rude	Bernstein Liebhard LLP
0:17-cv-04257-JNE-FLN	Coggins	Kennedy Hodges, L.L.P.

0:17-cv-04327-JNE-FLN	Robertson	Randall J. Trost, P.C.
0:17-cv-04328-JNE-FLN	Robertson	Randall J. Trost, P.C.
0:17-cv-04385-JNE-FLN	Erdman	Brown & Crouppen, P.C.
0:17-cv-04433-JNE-FLN	Greene	Levin, Papantonio, Thomas, Mitchell, Rafferty, Proctor P.A.
0:17-cv-04470-JNE-FLN	Ingram	Bernstein Liebhard LLP
0:17-cv-04517-JNE-FLN	Henderson	Bernstein Liebhard LLP
0:17-cv-04654-JNE-FLN	Keith	Brown & Crouppen, P.C.
0:17-cv-04677-JNE-FLN	Resendez	Brown & Crouppen, P.C.
0:17-cv-04752-JNE-FLN	Hyer	Gustafson Gluek PLLC
0:17-cv-04777-JNE-FLN	Pine	Bernstein Liebhard LLP
0:17-cv-04778-JNE-FLN	Brown	Bernstein Liebhard LLP
0:17-cv-04779-JNE-FLN	Key	Kennedy Hodges, L.L.P.
0:17-cv-04845-JNE-FLN	Murray	Kirtland & Packard, LLP
0:17-cv-04881-JNE-FLN	Potter	Bernstein Liebhard LLP
0:17-cv-04885-JNE-FLN	McEvoy	Bernstein Liebhard LLP
0:17-cv-04889-JNE-FLN	Thornton	Bernstein Liebhard LLP
0:17-cv-04891-JNE-FLN	Edwards	Bernstein Liebhard LLP
0:17-cv-05123-JNE-FLN	Robinson-Bessicks	Kirtland & Packard, LLP
0:17-cv-05261-JNE-FLN	Hardy	Bernstein Liebhard LLP
0:17-cv-05270-JNE-FLN	Johnston	Bernstein Liebhard LLP
0:17-cv-05277-JNE-FLN	Billings	Bernstein Liebhard LLP
0:17-cv-05323-JNE-FLN	Richey	Kennedy Hodges, L.L.P.
0:17-cv-05370-JNE-FLN	Taplin	Bernstein Liebhard LLP
0:17-cv-05371-JNE-FLN	Bresnock	Bernstein Liebhard LLP
0:17-cv-05472-JNE-FLN	Jones	Johnson Becker, PLLC
0:18-cv-00045-JNE-FLN	Swales	Bernstein Liebhard LLP
0:18-cv-00437-JNE-FLN	McCullough	Davis & Crump, P.C.
0:18-cv-00444-JNE-FLN	Garrison	Davis & Crump, P.C.
0:18-cv-00527-JNE-FLN	Morgan	Davis & Crump, P.C.

0:18-cv-00609-JNE-FLN	Larrison	Davis & Crump, P.C.
0:18-cv-00617-JNE-FLN	Hayes	Schlichter, Bogard & Denton, LLP
0:18-cv-00641-JNE-FLN	Rhew	Morris Law Firm

As set forth in Defendants’ Memorandum of Law in Support of Motion to Dismiss for Failure to Comply with Pretrial Order No. 14, there are three (3) categories of cases where plaintiffs have failed to serve a Plaintiff Fact Sheet (“PFS”) compliant with the requirements set forth by the Court in PTO 14: (a) cases where no PFS has been served by plaintiff; (b) cases where plaintiff served a PFS with core deficiencies, and failed to cure them or otherwise respond to Defendants’ first and/or second deficiency letter; and (c) cases where plaintiff served a PFS with core deficiencies, and failed to cure them after Defendants’ third deficiency letter. Defendants placed the above cases on the agenda for two sequential Court status conferences. Dismissal of these cases with prejudice is therefore appropriate under PTO 14, ¶ 8, and Defendants respectfully request the Court grant their motion regarding same.

Dated: August 2, 2018

Respectfully submitted,

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